COMPREHENSIVE LONG-TERM ENVIRONMENTAL ACTION NAVY (CLEAN II)
Northern and Central California, Nevada, and Utah
Contract Number N62474-94-D-7609
Contract Task Order No. 163, Modification 03

Prepared For

DEPARTMENT OF THE NAVY
Naval Facilities Engineering Command
Southwest Division
San Diego, California

FINAL PHASE III FINDING OF SUITABILITY TO TRANSFER CAPEHART HOUSING DEVELOPMENT DEPARTMENT OF DEFENSE HOUSING FACILITY NOVATO, CALIFORNIA

DS.0163.15501

September 2000

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CONTENTS

TABLES

FIGURES

APPENDICES

ABBREVIATIONS AND ACRONYMS

Act	Federal Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of P.L. 102-220), as codified in 42 USC Section 4822
ACM	Asbestos-containing material
ASTM	American Society for Testing Materials
BTEX	Benzene, toluene, ethylbenzene, and xylene
BRAC	Base Realignment and Closure
Cal EPA	California Environmental Protection Agency
CERFA	Community Environmental Response Facilitation Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
DOD	Department of Defense
DODHF Novato	Department of Defense Housing Facility Novato
DTSC	Department of Toxic Substances Control
EBS	Environmental Baseline Survey
ECP	Environmental Condition of Property
EFA WEST	Naval Facilities Engineering Command, Engineering Field Activity West
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
FOST	Finding of suitability to transfer
HAAF	Hamilton Army Airfield
ITC	IT Corporation
kg	Kilogram
L	Liter
LBP	Lead-based paint
mg	Milligram
µg	Microgram
MTBE	Methyl-tertiary-butyl-ether
NEPA	National Environmental Policy Act
PBC	Public benefit conveyance
PCB	Polychlorinated biphenyl
PPM	Parts per million
PRC	PRC Environmental Management, Inc.

PWC	Public Works Center
RBCA	Risk-Based Corrective Action
Reuse Plan	Hamilton Army Airfield Final Reuse Plan
ROD	Record of Decision
RWQCB	San Francisco Bay Regional Water Quality Control Board
SEBS	Supplemental Environmental Baseline Survey
SSPORTS	Supervisor of Shipbuilding, Portsmouth Shipyard
TPH	Total petroleum hydrocarbon
USC	United States Code
USCG	United States Coast Guard
UST	Underground storage tank
U&A	Uribe & Associates

1.0 PURPOSE

The purpose of this Finding of Suitability to Transfer (FOST) is to document environmental findings regarding the proposed deed of property at the Department of Defense Housing Facility Novato (DODHF Novato). DODHF Novato includes housing and the associated facilities portion of the former Hamilton Army Airfield. Figure 1 shows the location of DODHF Novato.

1.1 INTRODUCTION

The "Hamilton Army Airfield Final Reuse Plan" (Reuse Plan, Bein et. al. 1995 as amended by the City of Novato in 1996) recommends the transfer of a portion of the property at DODHF Novato to the United States Coast Guard (USCG) and transfer of the remaining property to parties outside the federal government. The property in this FOST is currently planned to be transferred to the City of Novato for residential reuse. The property to be transferred in this FOST includes individual parcels at DODHF Novato, rather than the entire facility. This FOST includes four of the 128 distinct, Navy-owned parcels at DODHF Novato (Parcels 55B, 65B, 73, and 76, located within the Capehart housing development). The area covered by these parcels is referred to as "the property." Figure 2 depicts the areas of the facility to be transferred in this FOST. The remaining parcels and portions of parcels at DODHF Novato are not covered by this FOST. The parcels included in this FOST have been evaluated based on a residential reuse scenario (that is, whenever an unrestricted residential reuse was not sufficiently protective of human health and the environment, a notification or restriction was recommended). This FOST was prepared in accordance with the Department of Defense (DOD) Policy "Finding of Suitability to Transfer for Base Realignment and Closure (BRAC) Property" (DOD 1994a).

1.2 DOCUMENTS REVIEWED AND REFERENCED

The information presented in this FOST is based upon review of the following source documents:

- "Finding of Suitability to Transfer for BRAC Property," DOD Policy, June 1, 1994 (DOD 1994a).

- "Asbestos, Lead Paint, and Radon Policies at BRAC Properties." Memorandum from Office of the Under Secretary of Defense, October 31, 1994 (DOD 1994b).

- "Hamilton Army Airfield Reuse Plan - Final Reuse Plan." Prepared by Robert Bein, et. al., October 1995 (as amended by the City of Novato in 1996) (Reuse Plan, Bein, et. al. 1995).

- "Basewide Environmental Baseline Survey (EBS)/Community Environmental Response Facilitation Act Report for DODHF-Novato." Prepared by ERM-West, October 1995 (ERM-West 1995).

- "Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites." Prepared by the American Society for Testing and Materials (ASTM), November 1995 (ASTM 1995).

- "Final Sampling Workplan for DODHF-Novato." Prepared by ERM-West, January 12, 1996 (ERM-West 1996).

- "Asbestos Management Plan - Capehart, DODHF Novato, Novato, California." Prepared by Navy Public Works Center (PWC) Norfolk, February 1996 (PWC Norfolk 1996a).

- "Lead Management Plan - Capehart, DODHF Novato, Novato, California." Prepared by PWC Norfolk, February 1996 (PWC Norfolk 1996b).

- "Survey of Oil-Filled Electrical Equipment." Prepared by PWC San Francisco, November 1996 (PWC San Francisco 1996).

- "Final Environmental Baseline Survey Sampling and Analysis Screening Level Report for DODHF Novato." Prepared by PRC Environmental Management Inc. (PRC) and Uribe & Associates (U&A), April 15, 1997 (PRC and U&A 1997a).

- "Final Phase I Supplemental Environmental Baseline Survey (SEBS) for Department of Defense Housing Facility, Novato." Prepared by PRC and U&A, April 21, 1997 (PRC and U&A 1997b).

- "Final Environmental Impact Statement for the Disposal and Reuse of DODHF Novato." Prepared for Engineering Field Activity West (EFA WEST) Naval Facilities Engineering Command by Tetra Tech, November 1997 (Tetra Tech 1997).

- "Summary Report - Soil Lead Sampling and Risk Evaluation - Capehart Housing Area, DOD Housing Facility, Novato, California." Prepared by IT Corporation (ITC), April 1997 (ITC 1997a).

- "Sampling Report, Department of Toxic Substances Control, Department of Defense Housing Facility Novato, Non-Residential Housing." Prepared by California Environmental Protection Agency, (Cal EPA) Department of Toxic Substances Control (DTSC) April 30, 1997 (DTSC 1997a).

- "Inspection Report, Department of Toxic Substances Control, Department of Defense Housing Facility Novato, Non-Residential Housing." Prepared by DTSC, June 14, 1997 (DTSC 1997b).

- "No Further Action, Department of Defense Housing Facility, Novato, California." Prepared by California DTSC, June 30, 1997 (DTSC 1997c).

- "Field Summary Report - Storm Drain Cleanout and Sediment Removal - DOD Housing Facility, Novato, California." Prepared by ITC, July 1997 (ITC 1997b).

- "Asbestos Building Survey Report, DOD Housing Facility, Novato, California." Prepared by Supervisor of Shipbuilding, Portsmouth, Virginia Environmental Detachment (SSPORTS), January 1998 (SSPORTS 1998a).

- "Work Plan for Soil and Groundwater Remediation at Former UST 957/970 Site, Department of Defense Housing Facility, Hamilton Field, Novato, California." Prepared by Battelle, January 1998 (Battelle 1998).

- "Polychlorinated Biphenyl (PCB) Inventory and Removal Report for High Voltage PCB Electrical Devices, DODHF, Novato, California." Prepared by SSPORTS, June 26, 1998 (SSPORTS 1998b).

- "Final Underground Storage Tank (UST) Investigation Report for Former Underground Storage Tank Site 957/970 at Department of Defense Housing Facility, Hamilton Field, Novato California." Prepared by ERM-West, June 1998 (ERM-West 1998).

- "Record of Decision (ROD) for the Disposal and Reuse of the Department of Defense Housing Facility Novato, California." Signed by William J. Cassidy Jr., Deputy Assistant Secretary of the Navy, July 1, 1998 (Navy 1998).

- "Draft Phase IV Finding of Suitability to Transfer Prior to Completion of Petroleum Related Corrective Action, Department of Defense Housing Facility, Novato, California." Prepared by Tetra Tech EM Inc. (TtEMI) and U&A, August 1998 (TtEMI and U&A 1998).

- "Summary Report - Soil Lead Sampling Results and Assessment - Capehart Housing Area, DOD Housing Facility, Novato, California." Prepared by ITC, November 1998 (ITC 1998).

- "Asbestos Remediation Completion Report for Capehart Housing Activity." Prepared by SSPORTS, November 1998 (SSPORTS 1998c).

- "Supplemental Asbestos Remediation Completion Report for Non-Residential Building S-982." Prepared by SSPORTS, May 1999 (SSPORTS 1999).

- "DoDHF NOVATO August 1999 Groundwater Monitoring Results (tabulated) and Benzene and MTBE Groundwater Plume Maps." Prepared by Battelle, September 14, 1999 (Battelle 1999a).

- "Tier 3 Risk-Based Corrective Action (RBCA) Assessment for Former UST Site 957/970, Department of Defense Housing Facility (DODHF), Novato, CA and Hamilton Army Airfield (HAAF). Prepared by Battelle, November 24, 1999 (Battelle 1999b).

- "Final Summary Report, Soil Lead Sampling Results and Assessment, Capehart Housing Area, DOD Housing Facility, Novato, California." Prepared by ITC, October 1999 (ITC 1999).

- "Final Risk Assessment, Capehart Housing Facility, Novato, California." Prepared by NewFields, November 1, 1999 (NewFields 1999).

- "Draft Final Corrective Action Plan for Soil and Groundwater Remediation Project, Former Underground Storage Tank Site 957/970, Department of Defense Housing Facility (DODHF), Novato, California." Prepared by Battelle, January 14, 2000 (Battelle 2000).

- "Order No. 00-064: Site Cleanup Requirements for the Department of Defense Housing Facility, Former Hamilton Air Force Base, Novato, California." Adopted by the San Francisco Bay Regional Water Quality Control Board, July 19, 2000 (RWQCB 2000).

- "Final Workplan for Remedial Investigation of Former Underground Storage Tank Site 957/970" Prepared by Battelle, August 30, 2000.

- "Final Rev. 4.0 Groundwater Monitoring Plan for Former UST Site 957/970" Prepared by Battelle, September 13, 2000.

- "Final Rev. 1.0 Monitoring Well Protection Plan for Former UST Site 957/970" Prepared by Battelle, September 13, 2000.

2.0 PROPERTY DESCRIPTION

DODHF Novato is located on the southeastern edge of the City of Novato adjacent to San Pablo Bay, in Marin County, California, approximately 25 miles north of San Francisco (Figure 1). DODHF Novato covers approximately 554 acres. The property to be transferred consists of Parcels 55B, 65B, 73, and 76 located in the Capehart housing development within DODHF Novato. The four parcels have a total area of 135.54 acres, divided as follows: Parcel 55B, 1.73 acres; Parcel 65B, 117.58 acres; Parcel 73, 1.44 acres; and Parcel 76, 14.79 acres. Figure 2 shows the four parcels and surrounding portions of DODHF Novato. Subsurface utilities present on the property covered by this FOST include sanitary sewer, storm drain, electricity, water, and natural gas lines.

3.0 REGULATORY COORDINATION

Representatives of the U.S. Environmental Protection Agency (EPA), DTSC, and San Francisco Bay Region Regional Water Quality Control Board (RWQCB) have been, and will continue to be, involved in a consultative role with the Navy throughout preparation of the EBS, SEBS, and FOST for DODHF Novato. Regulatory agency comments that have been received during development of these reports have been reviewed and incorporated, as appropriate, into the documents. The unresolved regulatory agency comments on this FOST have been appended to this final version (Appendix A). In addition, a public notice that solicits comments from the public was published on July 15 and 17, 1999 in the Marin Independent Journal, indicating the Navy's intent to sign a FOST. No public comments were received.

4.0 NATIONAL ENVIRONMENTAL POLICY ACT CONSIDERATIONS

An environmental impact statement (EIS) was prepared for the DODHF Novato property in accordance with the requirements of the National Environmental Policy Act (NEPA) [42 United States Code (USC) 4332] and the Navy's environmental and natural resources program manual (OPNAVINST 5090.1B). The EIS presents the analysis of potentially significant impacts of the Navy disposal and community reuse of DODHF Novato (Tetra Tech 1997).

The record of decision (ROD) for the NEPA document was signed on July 1, 1998 (Navy 1998). NEPA land use evaluations are necessary for changes in property use which significantly affect

the environment. NEPA evaluations allow for public participation and evaluation of potentially significant impacts to people and the environment from changes in land use. The ROD is a decision document which outlines the project to be implemented and the required mitigation measures to be taken.

5.0 ENVIRONMENTAL BASELINE SURVEY FINDINGS

As part of the basewide EBS conducted for DODHF Novato, each parcel was assessed separately to identify potential environmental concerns (ERM-West 1995). An environmental condition of property (ECP) area type classification from 1 to 7 was assigned to each parcel. The phase I SEBS (PRC and U&A 1997b) was later prepared to include additional information from investigations conducted since the completion of the basewide EBS. Since completion of the SEBS, additional remediation and investigations have been conducted. The additional information is summarized in this FOST.

The ECP area type classification system was developed as a result of the 1997 Defense Authorization Act that revised the definition of "uncontaminated" property. Category definitions previously referred to in the basewide EBS as "Community Environmental Response Facilitation Act (CERFA) categories" or "BRAC area types" are now referred to as ECP area types. ECP area type definitions are included in Table 1. Each of the parcels covered in this FOST is proposed for reclassification as ECP area type 3 or combined ECP area type 3/2-3 or 4/3/2-3 based on information gathered from site investigations or remediations and literature reviews conducted since completion of the basewide EBS and SEBS. The multiple ECP area type classifications for some parcels are intended to quickly and clearly identify parcels where more than one environmental issue is discussed in this FOST. For example, if there are lead-based paint (LBP) and petroleum issues at a parcel and the LBP issues have been resolved, and the petroleum contamination is below action levels, the ECP area type for the example parcel would be a combined 3/2-3, where 2-3 reflects the environmental status of the petroleum issue and 3 reflects the environmental status of the LBP issue. The following sections summarize the resolution of environmental issues and discuss the ECP area type classification for each parcel. The environmental condition of the parcels included in this FOST poses no threat to human health and the environment.

5.1 PARCEL 55B

In the basewide EBS, Parcel 55 was classified as ECP area type 7 due to potential contaminant migration from adjacent Parcel 29, chemical storage, and potential contamination in storm drains on the parcel (ERM-West 1995). When the SEBS was prepared, chemical storage was determined not to be a potential issue of concern, and it was believed that contaminant migration from adjacent Parcel 29 had not affected Parcel 55. As a result, Parcel 55 was reclassified as ECP area type 6 in the SEBS, due to the remaining issue of potential contamination in storm drains on the parcel (PRC and U&A 1997b). However, the SEBS was in error and no storm drains were identified on Parcel 55. Thus, contamination in storm drains is no longer an issue of concern for Parcel 55. Storm drain lines are shown on Figure 7-1 of the Final Sampling Workplan (ERM-West 1996).

Parcel 55 has since been divided into two separate parcels using the drainage creek as the dividing boundary. The western portion is Parcel 55A, consisting of open space, was included in the Phase II FOST for DODHF Novato. The portion of the parcel to the east is Parcel 55B, located within the Capehart housing development. Two non-residential buildings have been located on Parcel 55B. Building 982 (formerly used for water supply and water treatment) and Building 993 (former use unknown). Building 993 has been demolished; Building 982 is planned to be demolished. As discussed in Section 8.2, the soil surrounding residential buildings in the Capehart housing development contains lead as a result of LBP. However, the lead is present at average concentrations below the screening level (400 milligrams per kilogram [mg/kg]) (NewFields 1999 and ITC 1999). As a result, Parcel 55B is reclassified as ECP area type 3.

As established in ERM-West's 1998 investigation, and described in Section 6.0, petroleum compounds have been detected on Parcel 55B (ERM-West 1998) and are believed to have originated from the adjacent, downgradient, plume on Parcel 29. During the plume investigation, one hydropunch-type groundwater sample was collected at Parcel 55B (from location 970-W51 in July of 1997). Toluene, ethylbenzene, and xylenes were detected in groundwater samples at maximum concentrations of 0.57 micrograms per liter (µg/L), 1.2 µg/L, and 7.8 µg/L, respectively. Total petroleum hydrocarbons (TPH), benzene, and methyl-tertiary-butyl-ether (MTBE) were not detected in groundwater samples collected from Parcel 55B. UST 957 is

located in Parcel 19, and UST 970 is located in Parcel 29 adjacent to Parcel 55B. Monitoring well NA-0 is located on Parcel 55B and concentrations of MTBE, benzene, toluene, ethylbenzene, xylenes, m,p-xylene, and o-xylene have been below detection limits for groundwater since May of 1998 when the well was installed (Battelle 1999a). The Tier 3 groundwater risk-based screening levels for the UST 957/970 site are 13 milligrams per liter (mg/L) for toluene, 29 mg/L for ethylbenzene, and greater than the solubility limit for xylenes (Battelle 1999b). Figure 3 shows the approximate extent of groundwater with detected concentrations of contaminants above screening levels in the vicinity of the parcel. Since petroleum concentrations are below screening levels and Parcel 55B is up-gradient of the UST release, Parcel 55B is reclassified as ECP area type 2-3. Thus, Parcel 55B is reclassified as a combined ECP area type 3/2-3.

5.2 PARCEL 65B

In the basewide EBS, Parcel 65 was classified as ECP area type 7 due to potential contamination in storm drains on the parcel, potential contaminant migration from adjacent Parcel 29, chemical storage, and potential LBP contamination. When the SEBS was prepared, chemical storage was determined not to be an issue of concern.

Parcel 65 has since been divided into two separate parcels. Parcel 65A, the southern parcel, consists of the Hillside housing residential neighborhood and open space and was included in the Phase IB FOST for DODHF Novato. Parcel 65B, the northern parcel, is located within the Capehart housing development and is included as part of this FOST.

As discussed in Section 8.2, the soil surrounding residential buildings in the Capehart housing development contains lead as a result of LBP. Five housing units had concentrations greater than 400 mg/kg. Generally, these high values have not been reproducible through re-sampling. However, the average lead concentration at these units is below the screening level (400 mg/kg) (NewFields 1999 and ITC 1999). As a result, Parcel 65B is reclassified as ECP area type 3.

Based on sampling results and recommendations from the "Final Environmental Baseline Survey Sampling and Analysis Screening Level Report" (PRC and U&A 1997a), the Navy cleaned the storm sewers on Parcel 65B in May 1997. A report summarizing these activities was submitted

to the regulatory agencies in July 1997 (ITC 1997b). As a result, Parcel 65B is reclassified as ECP area type 4.

As established in ERM-West's 1998 investigation, and described in Section 6.0, petroleum compounds have been detected on Parcel 65B (ERM-West 1998) and are believed to have originated from the adjacent, downgradient, plume on Parcel 29. During the plume investigation, one hydropunch-type groundwater sample was collected at Parcel 65B (from location 970-W50 in July of 1997). Ethylbenzene and xylenes were detected in the groundwater sample at maximum concentrations of 0.8 µg/L and 4.2 µg/L, respectively. TPH, benzene, toluene, and MTBE were not detected in the sample. UST 957 is located in Parcel 19, and UST 970 is located in Parcel 29 adjacent to Parcel 55B. The Tier 3 groundwater risk-based screening levels for the UST 957/970 site are 29 mg/L for ethylbenzene, and greater than the solubility limit for xylenes (Battelle 1999b). Figure 3 shows the approximate extent of groundwater with detected concentrations of contaminants above screening levels in the vicinity of the parcel. Since concentrations are below screening levels and Parcel 65B is up-gradient of the UST release, Parcel 65B is reclassified as ECP area type 2-3. Thus, Parcel 65B is reclassified as a combined ECP area type 3/4/2-3.

5.3 PARCEL 73

In the basewide EBS, Parcel 73 was classified as ECP area type 1 (ERM-West 1995). Due to potential LBP releases to soil, Parcel 73 was reclassified as ECP area type 7 as part of the SEBS (PRC and U&A 1997b). The parcel is located within the Capehart housing development. As discussed in Section 8.2, the soil surrounding residential buildings in the Capehart housing development contains lead. The average lead concentrations are below the screening level (400 mg/kg) (NewFields 1999 and ITC 1999). Parcel 73 is reclassified as ECP area type 3.

5.4 PARCEL 76

In the basewide EBS, Parcel 76 was classified as ECP area type 1 (ERM-West 1995). Due to potential LBP releases to soil, Parcel 76 was reclassified as ECP area type 7 as part of the SEBS (PRC and U&A 1997b). The parcel is located within the Capehart housing development. As discussed in Section 8.2, the soil surrounding residential buildings in the Capehart housing

development contains lead. The average lead concentrations are below the screening level (400 mg/kg) (NewFields 1999 and ITC 1999). Parcel 76 is reclassified as ECP area type 3.

6.0 POTENTIAL IMPACT FROM ADJACENT PROPERTY

Petroleum compounds have been detected on Parcels 55B and 65B and are believed to have originated from the adjacent, downgradient, plume on Parcel 29. However, the parcels in this FOST are hydraulically upgradient of the UST 957/970 site located on adjacent Parcel 29. Contamination from the site flows away from the parcels in this FOST. Parcels 73 and 76 have not been affected by contaminant migration from this UST site or from any other sites at DODHF Novato.

Parcels 55B and 65B are adjacent to the UST 957/970 site located on Parcels 19 (UST 957) and 29 (UST 970) to the north. Current investigation results indicate that groundwater contaminated with TPH as gasoline, benzene, toluene, ethylbenzene, and total xylenes (BTEX), and MTBE exists on Parcels 15, 16, 17, 18, 19, 20, 24, 25, 29, and 30 at DODHF Novato (ERM-West 1998). During the plume investigation, hydropunch-type groundwater samples were collected at Parcel 55B (from location 970-W51 in July of 1997) and at Parcel 65B (from location 970-W50 in July of 1997). Currently there is one groundwater monitoring well (NA-0) on Parcel 55B which is sampled quarterly. Concentrations of MTBE, benzene, toluene, ethylbenzene, xylenes, m,p-xylene, and o-xylene were below detection limits since May of 1998 when the well was installed (Battelle 1999a). Section 5.1 and 5.2 identify the constituents and concentrations identified on the parcels in this FOST. These low concentrations detected in the hydropunch-type groundwater samples on Parcels 55B and 65B are often not indicative of plume extent or reproducible through additional sampling. In addition, no potential source in 55B and 65B has been identified. Parcels 55B and 65B have been minimally affected, at concentrations below screening levels, by petroleum compounds. Figure 3 shows the approximate extent of groundwater with detected concentrations of contaminants above screening levels in the vicinity of the parcels.

A Corrective Action Plan and Groundwater Monitoring Plan is currently being prepared to implement the RWQCB Order No. 00-064 of July 19, 2000 for UST site 957/970 Implementation of these plans will reduce the probability that contaminants will migrate onto

Parcels 55B and 65B (Battelle 1998). Parcels 55B and 65B are also located hydraulically upgradient of the UST site. The Navy assures that corrective actions and monitoring at the UST site will be conducted (TtEMI and U&A 1998). Groundwater monitoring well NA-0 on Parcel 55B will continue to be monitored.

Notification. In accordance with, and to the extent required by applicable federal, state, and local laws, the United States agrees that, in a timely manner, it will assess, inspect, investigate, study, and remove or remediate, as appropriate and/or required, the release or threatened release of petroleum or a petroleum derivative from, on, under, or about the property and/or in any related soils or ground or surface waters associated with Department of Defense activities at or about the property.

The owner or occupant of the property, or subsequent owners or occupants acknowledges that Parcels 55B and 65B are hydraulically up-gradient and adjacent to the UST 957/970 site (former NEX Gas Station). Activities such as and not limited to, construction dewatering, groundwater well installation and/or pumping may have an impact on the adjacent groundwater plume of petroleum compounds. These activities may cause migration of the adjacent plume onto Parcels 55B and/or 65B.

7.0 NOTICE OF HAZARDOUS SUBSTANCES

As required by CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) Sections 120(h)(1) and 120(h)(3) and implemented by Title 40 Code of Federal Regulations (CFR) Section 373.3, the SEBS provides a parcel-by-parcel description of the hazardous substances stored, released, or disposed of at DODHF Novato. The SEBS found that no hazardous substances requiring the notice were stored, released or disposed at Parcels 55B, 65B, 73, or 76 (PRC and U&A 1997b). However, the EBS reported that Building 982 formerly housed chlorine tanks and also noted no evidence of release was identified.

8.0 DISCLOSURE ISSUES

This section contains those disclosure issues which may be required to be included in the deed. The disclosure issues do not pose a barrier to transfer. The disclosure issues for the parcels in

this FOST are: asbestos (Section 8.1), LBP (Section 8.2), polychlorinated biphenyls (PCB) (Section 8.3), radon (Section 8.4), and pesticide usage (Section 8.5).

8.1 ASBESTOS

Basewide asbestos surveys have been conducted to identify areas potentially posing a hazard due to the presence of damaged, friable, and accessible asbestos. The mere presence of asbestos in a building does not preclude the parcel from transfer; however, asbestos that poses a threat to human health (asbestos-containing material [ACM] that is friable, damaged, and accessible) must be abated in accordance with applicable local, state, and federal laws and regulations.

Residential buildings at DODHF Novato were surveyed for asbestos in September 1995 by PWC Norfolk (PWC Norfolk 1996a) and reinspected in October and November 1997 by SSPORTS (SSPORTS 1998a). ACM abatement activities have been conducted in the interiors and exteriors of buildings at the Capehart housing development. However, damaged, friable, and accessible ACM remains in the crawl spaces and mechanical rooms of most of the buildings in the Capehart housing development. The crawl spaces and associated vents have been locked and sealed and the mechanical rooms have been locked; these locations have been posted with signs warning that ACM is present (SSPORTS 1998c). One non-residential building (on Parcel 55B) was also inspected and the identified ACM hazards were abated (SSPORTS 1999).

Notification. This section serves as notification that asbestos or ACM have been found and otherwise are presumed to exist in certain buildings and structures on the property.
The deed will include a notice about the presence of asbestos or ACM. The deed will provide an exhibit of the applicable asbestos surveys and reports.

Restriction. The following is a restriction for Parcels 55B, 65B, 73 and 76 and will be included in the deed in substantially the same form:

The owner or occupant of the property, or subsequent owners or occupants, will prohibit legal occupancy of those buildings and structures, or portions thereof, containing known asbestos or ACM hazards prior to abatement of such hazards or demolition of the building or structure. The

owner or occupant of the property, or subsequent owners or occupants, will comply with all applicable federal, state and local laws relating to ACM.

8.2 LEAD AND LEAD-BASED PAINT

LBP hazards are defined in the Federal Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of P.L. 102-550), as codified in 42 USC Section 4822 (Act) as "any condition that causes exposure to lead ... that would result in adverse health effects." Lead exposure is especially harmful to young children and pregnant women. The Act provides for regulation of the abatement of lead hazards from LBP, lead-contaminated dust, and lead-contaminated soil for target housing only. The Act defines target housing as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling. In addition, the seller and lessor must disclose known LBP or LBP hazards on residential housing built before 1978, per Title 40 CFR Part 745.

The Navy is required by the Act and subsequent DOD guidelines (DOD 1994b) to survey and abate LBP hazards on target housing constructed before 1960. The DOD guidelines also stipulate that LBP surveys be conducted at target housing constructed between 1960 and 1978. No survey or abatement is required to be conducted at housing constructed after 1978. One of the exceptions to the DOD policy is that inspection and/or abatement of target housing is not required if the building is scheduled for demolition.

The EPA and DTSC disagree with the DOD guidelines on LBP hazards in soil. It is EPA's and DTSC's position that contamination of soil resulting from LBP constitutes a CERCLA release.

8.2.1 Residential-Use Buildings With Lead-Based Paint

The Capehart housing development was constructed during the 1960s. Potential hazards from lead and LBP at the Capehart housing development were first evaluated in the "Lead Management Plan" for Capehart (PWC Norfolk 1996b). The soil sampling in this report showed that four isolated soil samples had elevated levels of lead and, as a result, the DTSC requested that the Navy conduct further evaluation. In 1997, the Navy conducted further sampling at these four locations plus four additional locations and conducted a risk assessment using the sample

results. The results of the risk assessment concluded that the risk was within the acceptable range (ITC 1997a). DTSC indicated that the sampling that was conducted did not give a true indication of the risk. In 1998, the Navy and DTSC agreed on protocol for further sampling and evaluation. The Navy completed this sampling and evaluation and concluded that the results were within the agreed-upon protocol and also met all current and proposed LBP regulations (ITC 1999). In June 1999, DTSC expressed its concern about isolated locations at five of the units where the sampling results showed elevated lead levels. The Navy agreed again to reassess the sampling results at these five units. The Navy resampled these five units using CERCLA sampling protocols and conducted a risk assessment using the California Leadspread Model. "The results of this evaluation indicated that lead in soil at the Capehart housing development is not expected to pose a threat to human health and that the property is safe to transfer to the City of Novato for unrestricted residential land use" (NewFields 1999). DTSC has disagreed with this evaluation and the unresolved comments are discussed in Section 10 and attached to this FOST (Appendix A).

Notifications: This section serves as a notification that lead-based paint (LBP) has been found and otherwise is presumed to exist in certain buildings, structures and soil on the property. The deed will include a notice about the presence of LBP and a notice that lead from paint, paint chips, and dust can pose health hazards if not managed properly. The deed will provide an exhibit of the applicable LBP surveys and reports.

Restriction. The following is a restriction for Parcels 55B, 65B, 73, and 76 and will be included in the deed in substantially the same form:

The owner or occupant of the property, or subsequent owners or occupants, will comply with Title X and all applicable federal, state and local laws relating to LBP.

8.2.2 Non-Residential Use Buildings With Lead-Based Paint

Under the Act, Federal agencies are subject to all federal, state, and local requirements with respect to LBP and LBP hazards (15 USC 2688). The Navy and DTSC conducted an evaluation of the potential for soil lead hazards at DODHF Novato in March through June 1997. The results of the evaluations are included in the Supplemental EBS (PRC and U&A 1997b) and DTSC

reports (DTSC 1997a and 1997b). The DTSC stated that the potential for contamination to soils from LBP exists for structures on parcels constructed before 1978. However, DTSC concurred that the potential hazard from soil may be minimal (DTSC 1997c). The DTSC conclusion was based on the review of the following characteristics which reduce or eliminate the potential for lead in soil hazards:

- Age of structure (post 1978)
- Condition of paint and paint chips on ground
- Planned demolition
- Structures of same architectural vintage as the Spanish Housing area (constructed in 1933-1934)
- Buildings with new siding and adequate debris clean-up
- Results of various sampling data

DTSC permitted other non-residential DODHF structures with LBP to be evaluated similarly and, if the potential hazard is determined to be minimal, the parcels in which the structures are located can be classified as ECP area type 3 (release of hazardous substances at levels which do not require removal or remedial actions) provided that their planned reuse is implemented (DTSC 1997c). Additionally, DTSC recommended that upon completion of demolition, sampling should be conducted to confirm that any residual levels of LBP in soils do not pose a threat to human health or the environment. Building 982 on Parcel 55B is slated for demolition. This future use of the property is the primary basis supporting the determination that potential hazard from LBP in soils at Parcel 55B is likely to be minimal.

Notifications. This section serves as a notification that lead-based paint (LBP) has been found and otherwise is presumed to exist in certain buildings, structures and soil on the property. The deed will include a notice about the presence of LBP and a notice that lead from paint, paint chips, and dust can pose health hazards if not managed properly. The deed will provide an exhibit of the applicable LBP surveys and reports.

Restriction. The following is a restriction for Parcel 55B and will be included in the deed in substantially the same form:

The owner or occupant of the property, or subsequent owners or occupants, will comply with Title X and all applicable federal, state and local laws relating to LBP.

8.3 POLYCHLORINATED BIPHENYLS

A PCB survey of oil-filled electrical equipment (PWC San Francisco 1996) indicated that Parcels 55B, 65B, 73, and 76 do not contain PCB transformers (i.e., transformers containing greater than 500 parts per million [ppm] PCBs) or PCB-contaminated transformers (i.e., transformers containing greater than 50 ppm PCBs, but less than 500 ppm). A follow-up survey by SSPORTS (SSPORTS 1998b) failed to locate or identify any electrical equipment with detectable concentrations of PCBs on Parcels 55B, 65B, 73, and 76.

8.4 RADON

A radon survey for DODHF Novato housing was conducted in 1990 under the Navy Radon Assessment and Mitigation Program. A total of 86 stationary radon detectors were placed in selected buildings. The sampling results indicated that all concentrations of radon were below the EPA action level of 4 picocuries per liter (ERM-West 1995).

8.5 PESTICIDE USAGE

There is no evidence to suggest that pesticides and herbicides, other than those ordinarily and routinely applied in a manner consistent with the standards for licensed application, were ever used at DODHF Novato.

8.5.1 Pesticides Used

A review of pest management plans from PWC San Francisco indicates the following were typical of herbicides and pesticides that were used at DODHF Novato. The following herbicides may have been used at DODHF Novato:

- XL 2G
- Team 2G
- Surflan A.S.
- Ronstar 50 WP
- Roundup
- Ronstar G

The following insecticides, termiticides, and rodenticides may have been used at DODHF:

- Dursban TC
- PT-515 (Wasp Freeze)
- Vaponite 2E
- Dursban 2E
- Dursban 4E
- Dursban-TC
- Drione
- Ficam W
- Diazinon 4E
- Sevin 80W
- Anti-coagulant Bait Blocks

8.5.2 Pesticide Management

Pesticides, insecticides, termiticides, and rodenticides were applied intermittently on an as-needed basis at DODHF Novato either by personnel from the PWC Pest Control Department or by contractor personnel. All personnel who routinely applied pest control substances were trained and licensed in the proper and legal application of pesticides, including the insecticides, termiticides, and rodenticides listed previously. Pesticides were applied per the manufacturer's directions, in accordance with the state and federal EPA registered pesticide label directions, and in accordance with the installation's annually approved pest management plan. Because the pesticides and herbicides were routinely applied in a manner consistent with the standards for licensed application, they likely do not pose a threat to human health or the environment. In addition, records do not indicate that parcels covered by this FOST have been used to store pesticides in any great quantity.

9.0 SUMMARY OF NOTIFICATIONS AND RESTRICTIONS

This section contains a summary of both the notifications and restrictions previously discussed that will be included in the deed.

9.1 NOTIFICATIONS

The notifications contained in this section are based upon findings summarized in Section 5.0 and in the disclosure issues discussed in Section 6.0 and Sections 8.1 through 8.5.

9.1.1 Related to UST 957/970 Site

In accordance with, and to the extent required by applicable federal, state and local laws, the United States agrees that, in a timely manner, it will assess, inspect, investigate, study, and remove or remediate, as appropriate and/or required, the release or threatened release of petroleum or a petroleum derivative from, on, under or about the property and/or in any related soils or ground or surface waters associated with Department of Defense activities at or about the property.

9.1.2 Asbestos

This section serves as notification that asbestos or ACM have been found and otherwise are presumed to exist in certain buildings and structures on the property.

The deed will include a notice about the presence of asbestos or ACM. The deed will provide an exhibit of the applicable asbestos surveys and reports.

9.1.3 Lead-Based Paint in Residential Buildings

This section serves as a notification that lead-based paint (LBP) has been found and otherwise is presumed to exist in certain buildings, structures and soil on the property.

The deed will include a notice about the presence of LBP and a notice that lead from paint, paint chips, and dust can pose health hazards if not managed properly. The deed will provide an exhibit of the applicable LBP surveys and reports.

9.1.4 Lead-Based Paint in Non-Residential Buildings

This section serves as a notification that lead-based paint (LBP) has been found and otherwise is presumed to exist in certain buildings, structures and soil on the property.

The deed will include a notice about the presence of LBP and a notice that lead from paint, paint chips, and dust can pose health hazards if not managed properly. The deed will provide an exhibit of the applicable LBP surveys and reports.

9.2 RESTRICTIONS

The restrictions contained in this section are based upon findings summarized in Sections 5.0 and 6.0, and the disclosure issues discussed in Sections 8.1 through 8.5.

9.2.1 Asbestos

The following is a restriction for Parcels 55B, 65B, 73 and 76 and will be included in the deed in substantially the same form:

The owner or occupant of the property, or subsequent owners or occupants, will prohibit legal occupancy of those buildings and structures, or portions thereof, containing known asbestos or ACM hazards prior to abatement of such hazards or demolition of the building or structure. The owner or occupant of the property, or subsequent owners or occupants will comply with all applicable federal, state and local laws relating to ACM.

9.2.2 Lead-Based Paint in Residential Buildings

The following is a restriction for Parcels 55B, 65B, 73, and 76 and will be included in the deed in substantially the same form:

The owner or occupant of the property, or subsequent owners or occupants, will comply with Title X and all applicable federal, state and local laws relating to LBP.

9.2.3 Lead-Based Paint in Non-Residential Buildings

The following is a restriction for Parcels 55B and will be included in the deed in substantially the same form:

The owner or occupant of the property, or subsequent owners or occupants, will comply with Title X and all applicable federal, state and local laws relating to LBP.

10.0 UNRESOLVED REGULATORY AGENCY COMMENTS

Lead concentrations detected in soil near the residential buildings has led to several comments from DTSC which are currently unresolved. Appendix A contains the unresolved regulatory agency comments and Navy responses on the draft final FOST.

11.0 REQUIRED ENVIRONMENTAL COVENANTS

The parcels covered by this FOST will be transferred in accordance with the federal real property disposal laws. Pursuant to 42 U.S.C. Section 9620 (h)(3)(A) of CERCLA, as amended, the deed for this transfer will contain the applicable CERCLA Response Claims and Protections. The deed will also contain Petroleum Release Claims and Protections.

12.0 FINDING OF SUITABILITY TO TRANSFER

The transfer proposal has been adequately assessed and evaluated for (1) environmental hazards, and (2) environmental impacts anticipated from future use of the Property. The reuse as outlined in the Reuse Plan of the designated parcels at DODHF Novato does not present a current or future risk to human health or the environment, provided the above discussed notifications and restrictions are followed. Based on the foregoing information and analysis, the property covered by this FOST is suitable for transfer.

G. J. Buchanan

GREGORY. J. BUCHANAN
CAPTAIN, CEC, USN
Commanding Officer
Engineering Field Activity West
Naval Facilities Engineering Command

9/26/00

Date